

ORDINANCE NO. 99- 50

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 PALM BEACH COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE TEXT OF THE **FUTURE LAND USE ELEMENT** (TO CORRECT SCRIVENER ERRORS IN ORDINANCES 99-26 AND 99-34); AND THE **UTILITY ELEMENT** (TO CORRECT SCRIVENER ERRORS IN ORDINANCES 99-29) PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners has initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on February 12, February 19, and March 12, 1999, to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on March 30, 1999, to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on June 21, 1999, the

1 Department of Community Affairs "Objections, Recommendations, and
2 Comments Report," dated June 18, 1999, which was the Department's
3 written review of the proposed Comprehensive Plan amendments; and

4 WHEREAS, the written comments submitted by the Department of
5 Community Affairs contained no objections to the amendments contained
6 in this ordinance;

7 WHEREAS, on August 17, 1999, the Palm Beach County Board of County
8 Commissioners held a public hearing to review the written comments
9 submitted by the Department of Community Affairs and to consider
10 adoption of the Amendment Round 99-1 amendments; and

11 WHEREAS, the Palm Beach County Board of County Commissioners
12 adopted amendments to the Future Land Use Element on August 17, 1999 in
13 Ordinance 99-26 and Ordinance 99-34, and to the Utility Element in
14 Ordinance 99-29; and

15 WHEREAS, Ordinance 99-26, Ordinance 99-29, and Ordinance 99-34 as
16 adopted did not reflect, due to scrivener errors, the actions reviewed
17 and approved by the Department of Community Affairs in these amendments
18 to the Future Land Use and Utility Elements; and

19 WHEREAS, it is the intent of the Board of County Commissioners to
20 adopt this ordinance, to reflect the 99-1 proposed amendments
21 originally adopted by the Board of County Commissioners and reviewed by
22 the Department of Community Affairs; and

23 WHEREAS, on December 13, 1999, the Palm Beach County Board of
24 County Commissioners held a public hearing to review the proposed
25 amendments; and

26 WHEREAS, the Palm Beach County Board of County Commissioners has
27 determined that the amendments comply with all requirements of the
28 Local Government Comprehensive Planning and Land Development
29 Regulations Act.

30 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
31 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1 Part I. Amendments to the 1989 Comprehensive Plan

2 Amendments to the 1989 Comprehensive Plan are hereby adopted and
3 attached to this Ordinance as Exhibit 1:

4 A. Future Land Use Element, remedial amendment to correct
5 scrivener errors in Ordinances 99-26;

6 B. Future Land Use Element, remedial amendment to correct
7 scrivener errors in Ordinances 99-34; and

8 C. Utility Element, remedial amendment to correct scrivener
9 errors in Ordinances 99-29.

10 Part II. Repeal of Laws in Conflict

11 All local laws and ordinances applying to the unincorporated area
12 of Palm Beach County in conflict with any provision of this ordinance
13 are hereby repealed to the extent of such conflict.

14 Part III. Severability

15 If any section, paragraph, sentence, clause, phrase, or word of
16 this Ordinance is for any reason held by the Court to be
17 unconstitutional, inoperative or void, such holding shall not affect
18 the remainder of this Ordinance.

19 Part IV. Inclusion in the 1989 Comprehensive Plan

20 The provision of this Ordinance shall become and be made a part
21 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
22 Ordinance may be renumbered or relettered to accomplish such, and the
23 word "ordinance" may be changed to "section," "article," or any other
24 appropriate word.

25 Part V. Effective Date

26 The effective date of this plan amendment shall be the date a
27 final order is issued by the Department of Community Affairs or
28 Administration Commission finding the amendment in compliance in
29 accordance with Section 163.3184, Florida Statutes, whichever occurs
30 earlier. No development orders, development permits, or land uses
31 dependent on this amendment may be issued or commence before it has
32 become effective. If a final order of noncompliance is issued by the

1 Administration Commission, this amendment may nevertheless be made
2 effective by adoption of a resolution affirming its effective status,
3 a copy of which resolutions shall be sent to the Department of
4 Community Affairs, Bureau of Local Planning, 2740 Centerview Drive,
5 Tallahassee, Florida 32399-2100.

6 APPROVED AND ADOPTED by the Board of County Commissioners of Palm
7 Beach County, on the 13 day of December, 1999.

8 ATTEST:
9 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

10 By: Joan Hawley
11 Deputy Clerk

By: Maudie Ford Lee
Chair

12 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

13 Robert J. B. S.
14 COUNTY ATTORNEY

15 Filed with the Department of State on the 23rd day
16 of December, 1999.

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EXHIBIT 1

A. Future Land Use Element, to correct scrivener errors in Ordinance 99-26

REVISIONS: To correct scrivener errors in Ordinance 99-26, which adopted the Managed Growth Tier System revisions to the Land Use Element. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

Objective 1.2 Urban/ Suburban Tier

Commercial

1. **REVISED Policy 1.2-I:** The Unified Land Development Code shall be amended to require that new development or redevelopment of commercial sites within the Urban/Suburban Tier strengthen the relationship among buildings and their relationship to the street, where appropriate. This shall be accomplished to increase transit accessibility, pedestrian orientation, and promote creation of community spaces through consideration of the elements listed below.
 1. Utilize building mass, placement, and orientation, ~~and~~ build-to lines and setbacks to increase walkability, provide spatial definition along streets, and create squares or greens at a human scale;

Sub-Objective 1.2.1 Planned Development - General

2. **REVISED Policy 1.2.1-f:** The Planning, Zoning and Building Department shall update the Unified Land Development Code and graphically depict the tenets and land development regulations to:
 - ...
 4. A neighborhood center shall be provided at an identifiable central location and shall:
 - ...
 - d. Be designed in accordance with the principles of a Traditional Marketplace as described in ~~Objective 2.2~~ Future Land Use Policy 1.2.1-d;

Objective 1.6 Glades Tier

3. **REVISED Policy 1.6-a:** The following general future land use designations shall be allowed in the Glades Tier:
 - ...
 - within the general area of Lake Harbor, which is a rural town with both rural and urban ~~densities~~ land uses, the additional future land use designations of:
 6. Residential categories ranging from Rural Residential 10 (RR10) ~~Low Residential 4 (LR-4)~~ to Medium Residential 5 (MR 5);
 7. Commercial, limited to the Commercial Low (CL) categories,
 - ...
 - within the Urban Service Area, the additional future land use designations of:
 10. Residential categories ranging from ~~High Residential 8 (HR-8)~~ Low Residential 1 (LR-1) to High Residential 18 (HR-18);
 11. Traditional Town Development;
 - ...

4. REVISED Policy 2.1-f, Table 2.1-1:

TABLE 2.1-1
RESIDENTIAL CATEGORIES & ALLOWED DENSITIES

Future Land Use Category	Dwelling Units Per Gross Acres			
	PDD Max	Maximum	Minimum	Entitlement
...				
Special Agriculture	---	~~0.20~~ 0.10 DU/AC	---	---
...				

OBJECTIVE 4.3 Community Design

5. **ADDED Objective language:** Palm Beach County shall develop and implement strategies to improve the visual appearance of the County in order to maintain and enhance its various identities and attractive characteristics.

B. Future Land Use Element, to correct scrivener errors in Ordinance 99-34

REVISIONS: To correct scrivener errors in Ordinance 99-34, which adopted the re-organized Future Land Use Element. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

Sub-objective 1.6.2 Sugar Cane Growers Cooperative of Florida Protection Area Overlay

1. **REVISED Sub-objective:** The purpose of the Sugar Cane Growers Cooperative of Florida Protection Area Overlay (Sugar Cane Growers Cooperative Overlay) area is to provide for the protection of the sugar industry, a significant agricultural industry from encroachment of incompatible uses and activities; ~~which are directly related to the continuation and future development of this industry.~~

Objective 2.1 Balanced Growth

2. **REVISED Policy 2.1-c:** The County may grant a development order at entitlement densities as described in Table 2.1-1, if a parcel cannot be developed in accordance with its future land use designation and zoning category because concurrency requirements cannot be satisfied, provided that the levels of service for drainage can be met. The maximum number of units for a project at entitlement density is either the number of units calculated at the entitlement density or one dwelling unit, whichever is greater, provided that the maximum density allowed by the future land use designation is not exceeded.

Objective 2.6 Transfer of Development Rights

3. **REVISED Policy 2.6-g:** In order to encourage eastward development, and a tapering off of density towards the Urban Service Area Boundary, bonus densities may be applied for as follows:
...
 2. East of the Florida Turnpike, but not in a ~~Countywide Community Revitalization Team (CCRT)~~ the Revitalization and Redevelopment Overlay area, up to 3 du/acre additional; and,
4. **REVISED Policy 2.6-m:** ~~Countywide Community Revitalization Team (CCRT) defined Areas within the Revitalization and Redevelopment Areas Overlay~~ may receive preference as receiving areas and may be eligible for a twenty-five (25) percent reduction in cost for TDR Bank units. Other receiving areas which further County Goals, Objectives and Policies may be eligible for a ten (10) percent reduction in cost.

III. Implementation, A. Land Use Designations, Residential, Density

5. **REVISED PARAGRAPH: Exception to the Maximum Density Requirements in the Exurban and Rural Tiers.** Until such time as a recorded or unrecorded subdivision, or an area contained within or subject to the control of a Special District, is determined by the Planning Division to meet the provisions of the 85% rule exemption, the specified area shall comply with the lot combination requirements in Sub-objective ~~1.2.1~~ 2.2.1. However, in the Exurban and Rural Tiers, there are antiquated subdivisions which are subject to special provisions. Pursuant to Policy ~~2.3-e~~ 1.3-e and Policy ~~2.4-e~~ 1.4-e, the following areas meet the provisions of the 85% rule exemption:
...

Commercial Uses, Land Use Designations and Categories

6. **REVISED PARAGRAPH: General.** The uses listed below are allowable within the Commercial future land use designation, where permitted by the Unified Land Development Code.

...

(2) approves a rezoning to a residential district consistent with the underlying residential land use density language regarding initiation of review is unnecessary since it does not qualify the action of approving a rezoning;

- E. **Overlays, Westgate/belvedere Homes Community Redevelopment Area Overlay (WCRAO)**

7. **REVISED PARAGRAPH:** The provisions ~~above~~ in Sub-objective 1.2.4 are designed to reduce the need for Future Land Use Atlas amendments to implement a community redevelopment plan for the Westgate/Belvedere Homes Area. This does not preclude the ability of property owners to initiate Future Land Use ~~Map~~ Atlas amendments in the Study Area. Special Overlay designation does not eliminate the requirement to conform to the Traffic Performance Standard, other concurrency management requirements or any other requirement adopted as part of the County's Comprehensive Plan or Unified Land Development Code.

Sugar Cane Growers Cooperative of Florida Protection Overlay

8. **REVISED PARAGRAPH:** ... The overlay includes all of Sections 21, and 28, the eastern half of sections 20 and 29, Township ~~37 43~~ Range ~~43 37~~, excluding completely the western half of Section 29 which has been selected by the City of Belle Glade to build a Business Park and as a potential future annexation area. ...

G. Community Planning, Community Plans / Neighborhood Plans and Studies

9. **REVISED PARAGRAPH:** The County shall review and amend as needed the guidelines and rules for preparation and submittal of neighborhood plans and procedures for amending the Palm Beach County Unified Land Development Code to reflect neighborhood plans as approved by the Board of County Commissioners. The requirements and procedures shall include the following:

...

2. Priority shall be given to the Redevelopment and Revitalization Overlay ~~lagging areas of Palm Beach County, as identified in the Tiered Growth Management System;~~

Zoning Consistency

10. **REVISED PARAGRAPH:** The County may initiate a district change to the appropriate Zoning Quad Map to eliminate inconsistent land uses and further the Goals, Objectives and Policies of the Comprehensive Plan. All map rezoning changes initiated either by the property owner or by the County must be to a zoning district that is consistent with the land use provisions described in this Element. ~~and as provided above for Type 1 and Type 2 Land Use Designations.~~

C. **Utility Element**, to correct scrivener errors in Ordinance 99-29

REVISIONS: To correct scrivener errors in Ordinance 99-29, which adopted revisions consistent with the Managed Growth Tier System. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

Objective 1.2 Potable Water - Levels of Service: Capacity

1. **REVISED Objective 1.2:** Level of service standards for potable water shall be adopted for purposes of determining capacities required for issuance of development orders, pursuant to Capital Improvement Policies 1.2-d and 1.2-e in the Capital Improvement Element. Concurrency for potable water may be satisfied through an Urban, ~~Limited Urban~~ or Rural Level of Service Standard depending upon the Service Area designation. A centralized potable water utility system represents the Urban Level of Service, ~~or a Limited Urban Level of Service~~. An on-site water-well represents the Rural Level of Service. The Urban, Limited Urban, and Rural Service Areas are depicted on the Service Areas Map", included in the Official Comprehensive Plan Map Series and defined in Land Use Goal 3.

Objective 2.2 Groundwater Protection

2. **REVISED Policy 2.2-c:** ~~The County shall limit the use of package plants to those areas where extension of a public sewerage system is planned. In the interim, the package plant shall be operated and maintained by the PBCWUD and/or any other utility whose jurisdiction includes the area where the package plant is required. [9J-5011(2) (c) 4, F.A.C.]~~ **Note:** ~~For an expanded analysis of this policy see the Utilities Support Document~~

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STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, Clerk of the
Board of County Commissioners do hereby certify as a
true and correct copy of the original filed in my office
on December 13, 1999
DATED at West Palm Beach, FL on 1/4/00
DOROTHY H. WILKEN, Clerk
By: Wiane Brown D.C.